

SPIRIT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS—COMPILED EVERY DAY FOR THE EVENING TELEGRAPH.

The Just Judge.

From the N. Y. Independent. Chief Justice Chase's recent decision in the case of Elizabeth Turner—a colored girl of Maryland, whom the decision sets free from an enforced apprenticeship to her former slave-master—is another of the many bulwarks which his author has had the great opportunity, and the equally great felicity, of erecting for the defense of American liberty. The facts are these:—

Mr. Lincoln's decree of emancipation, dated January 1, 1863, did not include Maryland. But Maryland shortly afterwards included herself by adopting a new constitution, which went into operation November 1, 1864, giving freedom to nearly a hundred thousand slaves. But many—perhaps most—of the masters parted with their slaves grudgingly; and, though slavery was constitutionally struck dead, its former upholders sought to revive it under another name, through a system of apprenticeship, degradingly different from the apprenticeship by the laws of Maryland, the indenture of a white child stipulates that he, or she, shall be taught reading, writing, and arithmetic; but the indenture of a black child stipulates no such thing. The authority of the master over his black apprentice is described in the law as a property and interest; but the authority of the same master over his white apprentice is of no such character. The master may arbitrarily transfer his black apprentice to whomsoever he will; but he cannot transfer his white apprentice to any other person. The negroes of Maryland who were made apprentices to the masters whom they had formerly served as slaves, found their new freedom a tyranny almost equal to their former slavery.

One of these victims was Elizabeth Turner, formerly a slave of Philemon T. Hambleton, of Talbot county, Maryland. On the second day after she attained her freedom by the new Constitution, her master made her his apprentice. The Chief Justice says that, after the new Constitution went into effect, "almost immediately, many of the freed people of Talbot county were collected together, under some local authority, the nature of which does not clearly appear, and the younger persons were bound as apprentices, usually, if not always, to their masters." It was for relief from this apprenticeship that Elizabeth Turner appealed to the Chief Justice, in the United States Circuit Court in Baltimore. A writ of habeas corpus was issued by the court, commanding Hambleton to produce the body of Elizabeth Turner, to certify to the true cause of her detention, and to give a reason (if any he had) why she should not be discharged. Hambleton made the following return to the writ:—"In obedience to the command of the within writ, I herewith produce the body of Elizabeth Turner, together with a copy of the indenture of apprenticeship, showing the cause of her detention, and a copy of the law, and respectfully await the action of your Honor."

His Honor then gave an admirably strict decision, releasing the girl from Hambleton's custody:—"The following propositions," says the Chief Justice, "seem to me to be sound, and they decide the case."

"First. The first clause of the thirteenth amendment of the Constitution of the United States intended to abolish the whole system of slavery, except as a punishment for crime, and establishes freedom as the constitutional right of all persons in the United States."

"Second. The apprenticeship in the present case is involuntary servitude within the meaning of these words in the amendment."

"Third. If this were otherwise, the indenture set forth in the return does not contain the important provisions for the security and benefit of the apprentice, which are required by the laws of Maryland in indentures of white apprentices, and is therefore in contravention of that clause of the first section of the Civil Rights law, enacted by Congress April 9, 1866."

"Fourth. This law, having been enacted under the second clause of the thirteenth amendment, in enforcement of the first clause of the same amendment, is constitutional, and applies to all conditions prohibited by it, whether originating in transactions before or since its enactment."

"Fifth. Colored persons, equally with white persons, are citizens of the United States."

"The petitioner, therefore, must be discharged from restraint by the respondent."

The importance of this great and just decision will not be overlooked or forgotten by the friends of impartial justice. There was a time when nobody ever thought of looking to the Chief Justice of the United States for a word or act in favor of a black citizen's citizenship. That time—thank Heaven!—is past. It is a matter of pride to the nation that not only one of its most illustrious men, but one of its most illustrious champions of liberty, sits in the supreme seat of American justice. The great and good man whose generous instinct and scholarly taste lent to Abraham Lincoln the beautiful closing sentence of the proclamation of emancipation, now receives, not only the thanks of one humble petitioner, Elizabeth Turner, whom his just judgment has delivered from oppression, but the thanks also of that great political party which is proud to recognize him as one of its ablest, purest, and bravest leaders—one whom it ought always delight to honor—and one whom it may need, at some exigency, to call from the nation's highest judicial to the nation's highest executive seat.

Means and Ends.

From the N. Y. Nation. There are no advocates of equal suffrage whose conviction of its inherent justice, and of its necessity in order to secure a safe reconstruction of the country, can much exceed our own. Nor, we trust, are we given to evasive or un candid methods of dealing with public questions. Yet, as every man of practical experience in life knows, it is possible, without lacking candor or straightforward frankness, to take such a course in pursuit of a favorite object as will secure the support of men whose prejudices would not permit them to assist in another and more direct method were adopted. It sometimes happens, on the other hand, that the boldest course is the one which encounters least opposition and has the least irritating effect upon prejudiced men. And it seems to us that the events of this year have a double lesson for politicians. To our mind they show that the Republican party has committed a double mistake upon the same question, one being alike in being too bold, and yet not bold enough.

The establishment of equal suffrage throughout the nation is no less the duty than the logical necessity of the Republican party. It is easy to demonstrate that there is no such necessity as far as the public safety is concerned, for the enforcement of universal suffrage in Ohio as there is for its enforcement in Mississippi. A government by white voters only is, in the former State, a government by the immense majority of the population, to the exclusion of an almost imperceptible minority; while in the latter State it is a gov-

ernment of the minority over the majority. The action of Ohio may be logically inconsistent, but works little practical injustice. The same action in Mississippi or South Carolina involves the most enormous practical injustice. To illustrate the point in another form, let us suppose that Maine should exclude from the polls every man who was the twentieth child of his parents. The rule would be absurd and unjust in the highest degree, viewed in the abstract. But in its practical working who would imagine that it led to a single case of injustice being done to the persons thus excluded? What judge would refuse to issue a warrant in favor of a twentieth son? What man would think himself any more free to defraud such an one than he would to defraud any other man? But suppose Vermont should disfranchise all sons except the first-born—what oppression, jealousies, and heartburnings would arise out of a rule so severe and burdensome! Its government would cease to be republican in any just sense, and would be an inalienable oligarchy. We say, therefore, that it is not so absolutely inconceivable as many of our friends think for Ohio to set as she has done. Yet we not only favor equal suffrage in every State as a measure of abstract justice, but, as we have said, deem its establishment indispensable. The logical consistency of the North is intolerable. The practical question is how to escape from it.

A simple and straightforward path was open to the Thirty-ninth Congress at its last session. It could easily have passed a Constitutional amendment establishing equal suffrage, which would have been ratified last winter by nearly or quite every Northern Legislature, and set long by the requisite number of States North and South. This is the only way in which the question can be finally settled, and the opportunity for such a settlement was unusually favorable. It has already passed away. California and Ohio have elected Democratic Legislatures; New Jersey will doubtless do so; and the Northern States will not give that undivided support to the amendment which they would have given last February. It was thought better to try a more direct appeal to the people in the several States. The question has been submitted to a direct vote in Ohio, with a deplorable result. It is to be submitted to the people of New York and Michigan. The result in the latter State is doubtful, in the former State not at all so. The cause will be set back at least four years by these disasters.

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Democratic Candidates for the next Presidency. From the N. Y. Tribune. The Democrats, in these new times of hope, have begun to look about for a candidate for the Presidency. Pendleton, Seymour, and McClellan are the three most promising names, and either one of them would find general acceptance with the Democratic masses. At this moment, Pendleton is in favor, and his nomination by the leading Democratic journal of the West has given his name a temporary prominence, that may or may not help his prospects in the future. He has so well played his part in the Ohio campaign, and has taken grounds so popular with the Democracy upon the questions of the day—and, moreover, his efforts have been followed by such remarkable results in the State election—that he is enabled to step gracefully to the foreground as the man best fitted to uphold on the national field the party banner which he has borne so successfully in his own State. It is true that in the last Presidential campaign, Pendleton was a heavy drawback to General McClellan, and, as the representative of a Copperhead peace policy of dishonor and disunion, did a great deal to secure the overwhelming repudiation of the Democratic ticket by the American people. But the issues on which he was condemned three years ago are now questions of a far distant past; and it has often been remarked how short the American memory seems to be, and how frequently, in political life, we fail to hold a man accountable even for delinquencies that would insure his permanent dismissal from a public career. Mr. Pendleton himself, in his electioneering speeches, made very little allusion to his war record, or rather his peace record; he treated it as a matter altogether forgotten, or at least without practical present interest; and in adroitly seizing on the living issues of the day, which also extended themselves into the future—in holding up the great matters of finance, taxation, reconstruction, and fidelity to the Constitution—he lifted the people to grounds where neither the feelings, prejudices, nor opinions of the past could have any place.

Mr. Pendleton's peace record, however, is his permanent dismissal from a public career. Mr. Pendleton himself, in his electioneering speeches, made very little allusion to his war record, or rather his peace record; he treated it as a matter altogether forgotten, or at least without practical present interest; and in adroitly seizing on the living issues of the day, which also extended themselves into the future—in holding up the great matters of finance, taxation, reconstruction, and fidelity to the Constitution—he lifted the people to grounds where neither the feelings, prejudices, nor opinions of the past could have any place.

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friends, therefore, are forward in proclaiming that, if next year, he be placed at the head of the ticket of which three years ago he formed the tail, his name, his abilities, and his principles will insure him a support sufficient to carry him into the chair of President Johnson.

If the Democrats succeed in their threat of carrying this State next month, there will be a chance for Governor Seymour's friends similar to that which the Ohio election has furnished to Mr. Pendleton's friends. His Presidential claims will at once be pressed by the New York Democracy with a vigor and persistence which may be expected to make up for lost time. Seymour is one of the men who "claims" upon the Democratic party—claims which his backers will make the most of, when their opportunity arrives. The high position he has long held in the party, the services he has rendered it, the scars he has received for it, the sufferings he has endured for it—these things, as well as his personal and intellectual superiority, give him a right to demand that he shall not be overlooked for the advantage of those who can show no such claims and have no such political availability. It seems, moreover, that Seymour's friends are prepared to claim for him—what no one pretends to claim for Pendleton—that he can make display of a first-class war record. We Republicans are not likely to forget the exact character of this record, as we found it in 1862 and 1863. Nevertheless, certificates are already prepared for national circulation, showing that it was of the highest loyal order, and proving to the satisfaction of those who know nothing whatever about the matter, that it was owing to his efficiency and terrible earnestness in raising or quite every Northern Legislature, and set long by the requisite number of States North and South. This is the only way in which the question can be finally settled, and the opportunity for such a settlement was unusually favorable. It has already passed away. California and Ohio have elected Democratic Legislatures; New Jersey will doubtless do so; and the Northern States will not give that undivided support to the amendment which they would have given last February. It was thought better to try a more direct appeal to the people in the several States. The question has been submitted to a direct vote in Ohio, with a deplorable result. It is to be submitted to the people of New York and Michigan. The result in the latter State is doubtful, in the former State not at all so. The cause will be set back at least four years by these disasters.

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